

REMARKS

This Application has carefully reviewed in light of the Final Office Action mailed November 19, 2004. In order to advance prosecution of this Application, Claims 1, 11, and 20 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner issued a Final Action on November 19, 2004. Applicant submitted a Response to Examiner's Final Action on January 19, 2005. The Examiner issued an Advisory Action on February 8, 2005 stating that the Response to Examiner's Final Action would not be entered because it raised new issues requiring further searching and consideration. Applicant respectfully requests continued examination of this Application so that the Response to Examiner's Final Action be entered and considered by the Examiner pursuant to this Request for Continued Examination. For the convenience of the Examiner, the amendments made to the claims in the Response to Examiner's Final Action and the accompanying comments are repeated herein.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hiekali in view of Stallings. Independent Claims 1, 11, and 20 recite in general the ability to encapsulate traffic carried by asynchronous transfer mode cells in a traffic stream and have traffic not being carried by asynchronous transfer mode cells in the traffic stream to bypass encapsulation. By contrast, the Hiekali patent merely shows an ATM gateway that receives ATM cells and converts them to non-ATM protocols and vice versa. The Stallings paper is merely used for disclosure of encapsulation of ATM cells that is lacking in the Hiekali patent. The combination of the Hiekali patent and the Stallings paper has no means for identifying between ATM bearing traffic and non-ATM bearing

traffic within a traffic stream let alone an ability to provide encapsulation for the ATM bearing traffic and to bypass encapsulation for the non-ATM bearing traffic as required in the claimed invention. Therefore, Applicant respectfully submits that Claims 1-20 are patentably distinct from the proposed Hiekali - Stallings combination.

Attached herewith is a check in an amount of \$790.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e).

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

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